

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LORI ANN YANCEY, ET AL.,)	
)	
Plaintiffs,)	
)	
)	
v.)	No. 3:04-cv-556
)	CONSOLIDATED
MARTY CARSON, ET AL.,)	VARLAN/SHIRLEY
)	
Defendants.)	

DEFENDANT'S DESIGNATION OF DEPOSITION TRANSCRIPTS FOR USE AT
TRIAL

Come now the Defendant, and designate for use at trial pursuant to F.R.Evid. Rule 804 (b) (1) the following transcripts of former testimony of witnesses who are unavailable at trial:

1. Mark Rector, 7:18-8:1, 8:11-16, 10:9-18, 14:23-15:5, 15:12-16, 17:8-13, 18:5-19:18, 20:3-11, 24:14-21, 26:24-27:13, 27:25-30:13, 31:12-16, 31:22-25 first word only, 32:12-21, 33:22-34:15, 38:4-8, 38:19-39:1 omit "it kills you", 40:13-41:3, 44:4-14, 45:9-16, 46:1-15, 46:22-47:5, 51:3-6, 51:16-52:6, 53:9-14, 54:3-19 read statement excerpt second page lines 1-5, 55:3-56:11 statement excerpt page 1 paragraph 3 lines 7 to end.
2. Pennie Carpenter Rector, 8:24-9:2, 9:7-10:13, 11:6-12:13, 15:1-16:12, 17:20-18:2, 18:13-16, 19:8-16, 24:12-16, 26:6-27:12.
3. Joseph Babb, 5:3-5, 41:25-42:7, 46:18-47:6, 50:22-51:7, 51:17-52:2.

It is Defendant's understanding that Ryan Clark will be available for trial. Should this prove not to be the case, Defendant reserves the right to designate testimony from his deposition to be used at trial.

Respectfully submitted this 31st day of October, 2007.

BY: /s/John C. Duffy
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by U.S. Mail.

BY: /s/John C. Duffy